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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 24, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE990786

Ex Parte: In the matter
concerning Rules implementing
the State Corporation Commission's
authority to enforce the Underground
Utility Damage Prevention Act

ORDER CONFORMING RULES TO
STATUTORY CHANGE

On December 19, 2000, the State Corporation Commission ("Commission") entered an Order adopting "Rules for Enforcement of the Underground Utility Damage Prevention Act" ("Rules") that will become effective on July 1, 2001. Part III of the Rules (20 VAC 5-309-90 thru 20 VAC 5-309-120) prescribes the circumstances under which electric, telecommunications, cable TV and cable TV telecommunications operators, and water or sewer operators have to report to the Commission probable violations of the Underground Utility Damage Prevention Act, Chapter 10.3 (§ 56-265.15 et seq.) of Title 56 of the Code of Virginia ("the Act"). During the 2001 session of the General Assembly, § 56-265.30 of the Act was amended to add the following subsection:

B. Nothing in this chapter [Chapter 10.3] shall be construed to authorize the Commission to promulgate any rules or

regulations pursuant to its authority to enforce this chapter that require any person, other than jurisdictional gas or hazardous liquid operators, to report to the Commission any probable violation of this chapter or any incident involving damage, dislocation or disturbance of any utility line.

2001 Va. Acts ch. 399.

NOW, UPON CONSIDERATION of the revision to § 56-265.30 of the Code of Virginia, the Commission is of the opinion and finds that Part III (20 VAC 5-309-90 thru 20 VAC 5-309-120) should be removed from the Rules for Enforcement of the Underground Utility Damage Prevention Act to conform these Rules (Attachment A hereto) to the provisions of the Underground Utility Damage Prevention Act, as amended by 2001 Va. Acts ch. 399; that the remaining Rules shall be renumbered to reflect the removal of Part III; that a copy of this Order and renumbered Rules should be forwarded to the Virginia Register of Regulations for publication therein; and that this matter should be dismissed from the Commission's docket of active proceedings.

Accordingly, IT IS ORDERED THAT:

(1) Part III of the Rules shall be eliminated to conform the Rules to § 56-265.30 B of the Code of Virginia, effective July 1, 2001.

(2) A copy of this Order and the attached Rules reflecting the elimination of Part III shall be forwarded to the Virginia Register of Regulations for publication.

(3) This case shall be dismissed from the Commission's docket of active proceedings.